

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION



United States of America,

Plaintiff,

and

State of Minnesota, by its  
Attorney General Warren  
Spannaus, its Department of  
Health, and its Pollution  
Control Agency,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical Corp.;  
Housing and Redevelopment  
Authority of St. Louis Park;  
Oak Park Village Associates;  
Rustic Oaks Condominium, Inc.;  
and Philips Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical  
Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical  
Corporation,

Defendant.

File No. 4-80-469

STATEMENT OF THE CASE  
OF CITY OF HOPKINS

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The Plaintiff-Intervenor City of Hopkins, in the above entitled matter,  
hereby presents to the Court a statement of the case of said City of Hopkins as  
follows:

a.) NAME AND ADDRESS OF THE CLIENT

City of Hopkins  
Hopkins City Hall  
1010 1st Street South  
Hopkins, MN 55343

b.) No insurance is involved.

c.) NAMES AND ADDRESSES OF ALL WITNESSES KNOWN TO ATTORNEY OR CLIENT  
WHO MAY BE CALLED AT THE TRIAL BY THE CITY OF HOPKINS.

NON-RESPONSIVE

5. Representatives from the State of Minnesota, Department of Health, which Department has and had charge of and received studies of various Ground Water contaminations in and surrounding St. Louis Park, Minnesota.
6. Final Report in writing of the study or studies of ground water contamination in and around St. Louis Park, Minnesota for the Minnesota Department of Health which report is dated November 1981 and which report consists of two volumes and has been filed with the Minnesota Department of Health.
7. a. Eugene A. Hickok and Associates, Inc., Wayzata. Minnesota.  
b. Geraghty and Miller, Inc.  
c. Henningson, Durham & Richardson, Inc., 5401 Gamble Drive, Minneapolis, Minnesota  
all of whom conducted and prepared the above study for the State of Minnesota.

NON-RESPONSIVE

9. Daryl A. Thingvold, Project Manager of SERCO or other analysts and personnel ~~therefrom~~ from, Sanitary Engineering Laboratories, Inc., 1931 West County Road C2, Roseville, Minnesota, (SERCO) which laboratory has been engaged by the City to perform water tests.

## EXEMPTION 6-PH

14. Rebuttal information including witnesses and exhibits will be necessary depending upon the evidence by other Defendants.

d.) CONCISe STATEMENT OF THE CITY OF HOPKINS VERSION OF THE CASE

The City of Hopkins is and has been the owner and operator of five deep water wells from which drinking water is piped and sold to various persons, habitations and locations in the City of Hopkins. Well No. 3 (now closed) is located on a plot of ground abutting on that part of Blake Road which is a north-south thoroughfare and, which location lies between State Highway No. 7 on the north and a railroad ~~closing~~ on the south. This well location is less than one mile away (to the west) from the Tar Creosote Plant in St. Louis Park. All water pumped from Well No. 3 travels through a maze of water mains into the entire public city water system of the City of Hopkins.

This well contains a submersible water pump operated by electricity, approximately 180 feet below the ground level surface which pump and electric motor is attached to an 8-inch diameter pipe column through which column the water is forced by the pumps to the surface of the land in a building into an iron removing bed or tank. This tank is approximately 12 feet high above the surface and in the tank the iron is removed and thereafter the water is pumped by a second pump into the public water supply system which lies approximately 8 feet below ground level surface. The entire depth of the well is 475 feet.

The water table level in Well No. 3 lies approximately 43 feet below the surface. Surrounding the 8-inch pipe column is a steel well casing 24 inches in diameter for the top 80 feet and 20 inches in diameter for the next 212 feet below.

e.) Special as well as general damages which resulted from the closure of Well No. 3 are at this date not able to be ascertained. Among the damages or losses to the City will include a new plot of ground; redrilling and installation of a new well and pumps thereof; completely new erection of proper housing therefore; and the purchase and installation of a new iron removing bed or tank as well as the usual connections of the well and its pipes into the existing general Hopkins water system. The best estimate of such damages, general and special has been set at no less than \$500,000.00. In 1978 Hopkins drilled and installed a new well (No. 6), (not including the iron removal bed) The cost thereof was \$225,000.00. Evidence will be offered.

f.) DISCOVERY

1. Discovery Termination Date: No discovery termination date has been set and no discovery had or completed.
2. Discovery to be Completed: Much depends on the outcome of a pending motion before the Court to dismiss made by Reilly Tar and Chemical Corporation.
3. Date when all discovery will be completed: Not less than 30 days time will be necessary for the various discovery which may be had.

g.) CONTEMPLATED MOTIONS

There is a Motion pending now to dismiss certain Defendants by Reilly Tar and Chemical Corporaiton

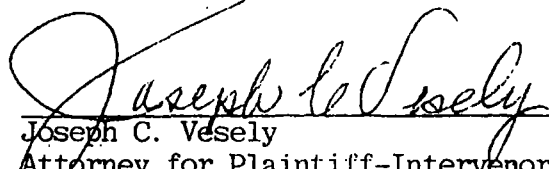
h.) POSSIBILITY OF SETTLEMENT

A great deal depends on the help and contribution by the United States of America and the State of Minnesota. Special Amendment has been added to the original complaints by various Plaintiffs-Intervenors in the above action.

i.) ESTIMATED TIME OF TRIAL

It is highly possible that the case will not be tried before a Jury. Estimated time for trial without jury will take no less than three weeks.

Respectfully submitted,

  
Joseph C. Vesely  
Attorney for Plaintiff-Intervenor  
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